IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

OP.No. 22080 of 2001(G)

PETITIONER:

GOPINATHAN , S/O. ACHUTHAN
KOTTAMTHARAYIL HOUSE,
NJAMANEGHAT, VADAKEKAD VILLAGE,
CHAVAKAD TALUK, THRISSUR DISTRICT.

BY ADV. SRI.M.K.DILEEP KUMAR

RESPONDENTS:

NEW WAY FINANCIERS,
KUNNAMKULAM, THRISSUR DISTRICT.

BY ADV. SRI.R.RAJESH KORMATH
SMT.PREETHY KARUNAKARAN
SMT.BIJIMOL JOSE
SMT.MEENA.A.
SMT.M.R.MINI
SMT.SANJANA R.NAIR
SRI.V.S.ROBIN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.36080/2001 IN OP. NO.22080/2001

DISMISSED

13.12.2006 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE EXECCUTION PETITION WITH PROCEEDINGS PAPER IN EP. 539/98 IN OS. NO.1066/97 PENDING BEFORE THE MUNSIFF'S COURT, CHAVAKAD.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P.No.22080 of 2001

Dated 13th December, 2006.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

(i) "Recall the arrest warrant order of Munsiff's court, Chavakkad, dt. 23.3.2001, against the petitioner in E.P.No.539/98 in O.S.1066/97.

(ii) Issue a writ of mandamus or such other writ or order, directing the Munsiff's Court, Chavakkad to permit the petitioner to appear and present the counter in E.P.No.539/98 in O.S.No.1066/97 and adjudicate upon it, in accordance with law."

Though learned counsel appearing for the respondent contends that the attempt of the petitioner is only to protract the execution proceedings, in view of the lapse of more than 5 years, it is only appropriate that a chance is given to the petitioner. Accordingly, the writ petition is allowed in terms of the second prayer with a direction to the Execution Court to dispose of the execution petition within three months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J

O.P.No.22080 of 2001 (C)

J U D G M E N T

Dated 13th December, 2006.